

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHARLES HARRISON BARBEE,  
Movant,  
-vs-  
UNITED STATES OF AMERICA,  
Respondent.

No. 2:96-CR-0258-WFN-1

ORDER ON § 2255 MOTION  
GOVERNMENT RESPONSE  
REQUIRED

Before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct Sentence. (ECF No. 381). The Ninth Circuit authorized a second or successive filing on January 25, 2017. The Court has reviewed the file and is fully informed. Accordingly,

**IT IS ORDERED** that:

1. The Court **RESERVES RULING** on Movant's Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed June 17, 2016, **ECF No. 381**.

2. The United States shall answer Movant's § 2255 Motion by **March 7, 2017**. The contents of the answer shall conform to the requirements of Rule 5(b) of the Rules-Section 2255 Proceedings.

3. Movant shall serve and file a reply to United States answer, if any, no later than **March 21, 2017**.

4. The Court will take the matter under advisement when the briefing is complete. The District Court Executive is directed to file this Order and provide copies to counsel.

**DATED** this 8th day of February, 2017.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN

SENIOR UNITED STATES DISTRICT JUDGE

02-08-17